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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 PATTI BOELKE, an individual,) No: 14-
13 Plaintiff,) COMPLAINT FOR DAMAGES
14 vs.)
15 STATE COLLECTION SERVICE,)
16 INC., a Wisconsin corporation,)
17 Defendant.)

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19 I. INTRODUCTION

20 1. This is an action for damages brought by Plaintiff Patti Boelke, an
21 individual consumer, against Defendant State Collection Service, Inc. (hereinafter
22 “SCS”), a Wisconsin corporation, for violations of the Fair Debt Collection
23 Practices Act, 15 USC § 1692, *et seq.* (hereinafter “FDCPA”), which prohibits debt
24 collectors from engaging in abusive, deceptive, and unfair practices, and the
25

IV. FACTUAL ALLEGATIONS

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2 6. Beginning in early 2013, SCS initiated illegal wage garnishments
3 through Ms. Boelke's employer, Prestige Care, Inc., to collect upon a judgment
4 (hereinafter "Affinity judgment") entered by a Wisconsin court in 2006 in favor of
5
6 Affinity Medical Group.

7 7. SCS did not register the Affinity judgment in the office of the clerk of
8 a Superior Court in Washington, as required by Washington's Uniform
9 Enforcement of Foreign Judgments Act (hereinafter "UEFJA"), RCW 6.36, *et seq.*,
10 prior to initiating the Affinity wage garnishments.
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12 8. SCS served both Ms. Boelke and her employer in Washington with
13 garnishment forms and instructions applicable under Wisconsin law, not
14 Washington law.
15

16 9. Between February 20, 2013, and June 12, 2013, a total of \$1,124.23
17 was garnished from Ms. Boelke's wages to satisfy the Affinity judgment.
18

19 10. Beginning in August 2013, SCS again initiated illegal wage
20 garnishments through Ms. Boelke's employer, Prestige Care, Inc., to collect upon
21 another judgment (hereinafter "Mercy judgment") entered by a Wisconsin court in
22 2007 in favor of Mercy Medical Center of Oshkosh, Inc.
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1 11. SCS did not register the Mercy judgment in the office of the clerk of a
2 Superior Court in Washington, as required by Washington's UEFJA, RCW 6.36, *et*
3 *seq.*, prior to initiating the Mercy wage garnishments.

4 12. SCS again served both Ms. Boelke and her employer in Washington
5 with garnishment forms and instructions applicable under Wisconsin law, not
6 Washington law.

7 13. Between August 7, 2013, and September 4, 2013, a total of \$360.47
8 was garnished from Ms. Boelke's wages toward satisfaction of the Mercy
9 judgment.

10 14. In a letter dated August 22, 2013, Ms. Boelke, through counsel,
11 notified SCS that she was a resident of the state of Washington and was employed
12 in Washington; that Washington State recognizes foreign judgments under its
13 UEFJA, which requires registration in the office of the clerk of a Superior Court in
14 Washington for enforcement of judgments; and that unless a judgment creditor
15 complies with Washington law, any action or attempted enforcement of that
16 judgment against a Washington resident may constitute violations of state and
17 federal laws.

18 15. After September 4, 2013, SCS ceased wage garnishment actions
19 against Ms. Boelke, but has refused to return the monies previously garnished
20 pursuant to the Affinity and Mercy judgments.

16. As a result of the Defendant's acts alleged above, Ms. Boelke has suffered actual damages, including wrongfully garnished wages; interest, fees, and penalties caused by these wrongful garnishments; emotional distress; and other damages to be proven at trial.

V. FIRST CLAIM FOR RELIEF:

FAIR DEBT COLLECTION PRACTICES ACT, 15 USC 1692, et seq.

17. Plaintiff Boelke repeats and realleges and incorporates by reference the foregoing paragraphs.

18. Defendant SCS's actions violated the Fair Debt Collection Practices Act (hereinafter "FDCPA"). Defendant's violations include, but are not limited to, its violation of 15 USC § 1692e(5) by threatening to take legal action that cannot legally be taken; 15 USC § 1692e(2) by falsely representing (A) the legal status of debts and (B) compensation that may be lawfully received by the Defendant for the collection of a debt; and 15 USC § 1692f(1) by collecting amounts not expressly authorized by the agreement creating the debt or permitted by law.

19. As a result of the foregoing violations of the FDCPA, the Defendant is liable to Ms. Boelke for her actual damages, plus statutory damages, plus costs and attorney fees.

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VI. SECOND CLAIM FOR RELIEF:

WASHINGTON CONSUMER PROTECTION ACT, RCW 19.86, *et seq.*

20. Plaintiff Boelke repeats and realleges and incorporates by reference the foregoing paragraphs.

21. The Defendant's foregoing violation(s) of the FDCPA constitute unfair and deceptive acts or practices in violation of the State of Washington's Consumer Protection Act (CPA), RCW19.86, *et seq.*

22. The Defendant's conduct occurred in trade and commerce.

23. The Defendant's conduct has caused substantial injury to Ms. Boelke in her business and property.

24. The public interest has been adversely affected by the Defendant's conduct.

25. As a result of the foregoing violations of Washington's CPA, the Defendant is liable to Ms. Boelke for her actual damages, trebled as provided by statute, plus costs and attorney fees.

VII. THIRD CLAIM FOR RELIEF:

CONVERSION

26. Plaintiff Boelke repeats and realleges and incorporates by reference the foregoing paragraphs.

1 27. Defendant SCS wrongfully converted Ms. Boelke's property by
2 intentionally garnishing and collecting her wages, to which she had the right to
3 possession, in a manner that deprived her of the use and possession of her monies
4 and caused her to suffer harm.

5 28. As a result of the foregoing actions, the Defendant is liable to Ms.
6 Boelke for her economic and general damages, plus other damages allowed by law.
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11 WHEREFORE, Plaintiff Patti Boelke respectfully requests that judgment be
12 entered against Defendant State Collection Service, Inc. for the following:

13 A. Actual damages pursuant to 15 USC § 1692k and RCW 19.86.090;
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15 B. Statutory damages for violations of the FDCPA pursuant to 15 USC §
16 1692k in the amount of \$1,000;
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18 C. Costs and reasonable attorney fees pursuant to 15 USC § 1692k and
19 RCW 19.86.090;
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21 D. Treble the amount of actual damages pursuant to RCW 19.86.090;
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23 E. General damages and other damages for tort liability; and
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25 F. For such other and further relief as the Court may deem just and
proper.

Respectfully submitted this 19th day of March, 2014.

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2 ALAN McNEIL, PLLC
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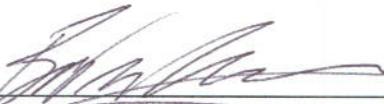
4 By:
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7 ALAN L. McNEIL, WSBA #7930
8 *Attorney for Plaintiff*

9 and by
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11 CAMERON SUTHERLAND, PLLC
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13 By:
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16 BRIAN CAMERON, WSBA #44905
17 *Co-Counsel for Plaintiff*